

**IN THE U.S. DISTRICT COURT FOR MARYLAND,  
SOUTHERN DIVISION**

**BEYOND SYSTEMS, INC.**

Plaintiff

v.

**WORLD AVENUE USA, LLC**  
successor by merger to NIUTECH, LLC.,  
**DBA "THE USEFUL," ET AL.**

Defendants

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**Case No. PJM 08 cv 0921**

**Reply of Third-Party Defendants Joseph Wagner and Hypertouch, Inc.**  
**In Support of Motion to Quash Summons**

Third-Party Defendants Joseph Wagner and Hypertouch, Inc. file this reply memorandum in support of their motion to quash service of the summons and the Third-Party Complaint.

1. Service was not made on a person authorized to accept service for either of the third-party defendants.
2. Service on Sarah FitzGerald was not effective as to either of the movants because of her age (five years).
3. Service via the alleged delivery to a woman in her 70's was not valid as to Hypertouch, Inc., a California corporation that continues to maintain its servers in California and has no offices in Massachusetts. The individual described in the affidavit of service was apparently the mother-in-law of Joseph Wagner, as described in the attached affidavit. She is not employed by Hypertouch, Inc. and has never been authorized to accept service for either of the movants. Hypertouch, Inc. has an agent for service of process in California, as shown by the records of the California Secretary of State. She is not authorized to accept service for Joseph Wagner, either. See affidavit, attached.

4. The process server's attribution of statements to the woman described in his affidavit is seriously disputed. See affidavit, attached. Third-Party Defendants deny the sufficiency of process and deny that they have been served.

\_\_\_\_\_/s/  
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